



## Telecom Decision CRTC 2008-110

Ottawa, 25 November 2008

### **Axia SuperNet Ltd. – Request to exclude certain Alberta communities from the approved list of communities for broadband service expansion by TELUS Communications Company in Telecom Decision 2008-1**

Reference: 8662-A90-200805864

*In this Decision, the Commission approves Axia SuperNet Ltd.'s (Axia) request to exclude 16 Alberta communities from the approved list of communities for broadband service expansion by TCC in Telecom Decision 2008-1, and denies Axia's request with respect to 14 other Alberta communities.*

### **Introduction**

1. In Telecom Decision 2008-87, the Commission, among other things, approved Axia SuperNet Ltd.'s (Axia) application, on behalf of certain alternative broadband service providers (ABSPs), to exclude 30 Alberta communities from the approved list of communities approved for broadband service expansion by TELUS Communications Company (TCC) in Telecom Decision 2008-1, subject to further review in a follow-up proceeding.
2. In order to have a full record on which to base its final decision regarding the exclusion of these communities, the Commission directed the ABSPs in question to file information identified in paragraph 9(a) of Telecom Public Notice 2006-15 and answers to Commission interrogatories issued concurrent with Telecom Decision 2008-87. The Commission stated that it would base its determination on the criteria used for other communities in the Telecom Public Notice 2006-15 proceeding. Specifically, the Commission would exclude communities where the ABSP could show that it offered comparable service to the incumbent local exchange carriers (ILECs) on or before the prescribed deadline of 19 February 2007.
3. The Commission received submissions from the following ABSPs: ABNorth.com Internet Services, Barrett Xplore Inc., Fat Banana Broadband Inc., Harewaves Wireless, MCSNet, Persona Communications Inc., Platinum Communications Corporation, Prairie Wireless, Serbernet, and SIS Strategic Information Systems Inc. The public record of this proceeding, which closed on 6 October 2008, is available on the Commission's website at [www.crtc.gc.ca](http://www.crtc.gc.ca) under "Public Proceedings."

### **Commission's analysis and determinations**

#### **Communities where service was initiated on or before 19 February 2007**

4. The Commission notes that a number of the ABSPs in question submitted evidence to the effect that they were providing broadband service comparable to that of TCC in certain communities on or before 19 February 2007. The Commission considers that the evidence provided with respect to the communities of Ashmont, Dixonville, Hobbema, Jousard, Leslieville,

McLennan, Morinville (Cardiff Echos), Mundare, Rochester, Saddle Lake I.R., Stirling, Smoky Lake, Vilna, Warspite, Waskatenau, and Whitelaw satisfies the criteria to exclude communities from the approved list of communities for broadband service expansion by TCC.

5. Accordingly, the Commission **approves** Axia's request to exclude these 16 communities from TCC's broadband expansion plan and removes them from the approved list of communities for broadband service expansion by TCC in Telecom Decision 2008-1.

#### **Communities where service was initiated after 19 February 2007**

6. The Commission notes that a number of the communities were not being served as of the 19 February 2007 deadline. Certain of the ABSPs submitted that these communities should be excluded on the grounds that the communities are currently being served.
7. In the Commission's view, to permit an ABSP to request exclusion of a community where it had installed broadband service after the 19 February 2007 deadline would introduce unreasonable uncertainty into the rollout plans of TCC and the other ILECs. The ability of ILECs to effectively plan their expansions would be jeopardized. In order to ensure a fair, predictable, and transparent process, the Commission has denied similar requests from ABSPs in previous decisions.<sup>1</sup>
8. The Commission considers that it would be inappropriate to remove communities where service was not in place by 19 February 2007 from the list approved for TCC in Telecom Decision 2008-1.
9. Accordingly, the Commission **denies** Axia's request to remove the communities of Derwent, Elkwater, English Bay, Flatbush, Gift Lake, Gleichen, Jarvie, Legal, Longview, Picardville, and St. Michael from the approved list of communities for broadband service expansion by TCC in Telecom Decision 2008-1.

#### **Communities where insufficient evidence was provided**

10. With respect to the communities of Hines Creek and Tilley, the Commission notes that the ABSPs in question did not respond to the Commission's request for evidence to substantiate the claim that the service they may be providing satisfies the criteria for exclusion from the approved list of communities for broadband service expansion by TCC.
11. With respect to the community of Clyde, the ABSP in question did not confirm if service was provided to the community on or before 19 February 2007.
12. Accordingly, the Commission **denies** Axia's request to exclude Clyde, Hines Creek, and Tilley from the approved list of communities for broadband service expansion by TCC in Telecom Decision 2008-1.

Secretary General

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<sup>1</sup> See Telecom Decisions 2007-111, 2008-5, and 2008-88.

## Related documents

- *Quebecor Media Inc. – Application to review and vary certain aspects of Telecom Decision 2008-1 related to the use of deferral account funds for broadband expansion*, Telecom Decision CRTC 2008-88, 9 September 2008
- *Axia SuperNet Ltd. – Application to review and vary part of Telecom Decision 2008-1 related to the use of deferral account funds for broadband expansion*, Telecom Decision CRTC 2008-87, 9 September 2008
- *Andy Shadrack, Director, Area D, Regional District of Central Kootenay – Application to review and vary certain determinations in Telecom Decision 2007-50*, Telecom Decision CRTC 2008-5, 25 January 2008
- *Use of deferral account funds to improve access to telecommunications services for persons with disabilities and to expand broadband services to rural and remote communities*, Telecom Decision CRTC 2008-1, 17 January 2008
- *Barrett Xplore Inc. – Application to review and vary certain determinations in Telecom Decision 2007-50*, Telecom Decision CRTC 2007-111, 22 November 2007
- *Review of proposals to dispose of the funds accumulated in the deferral accounts*, Telecom Public Notice CRTC 2006-15, 30 November 2006

*This document is available in alternative format upon request, and may also be examined in PDF format or in HTML at the following Internet site: <http://www.crtc.gc.ca>*